

JUL 27 2005 4:47PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

NO. 3188 P. 1

**FOLEY**

JUL 27 2005

FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages 9 (including this page)

TO:	PHONE #:	FAX #:
Examiner T. Patel Group Art Unit 3765 U.S. Patent and Trademark Office	571-272-4993	703-872-9306

From :	Steven C. Koerber, Patent Agent For Richard J. Warburg
Email Address :	skoerber@foley.com
Sender's Direct Dial :	858.847.6725
Date :	July 27, 2005
Client/Matter No :	023340-0201
User ID No :	9055

### MESSAGE:

U.S. Patent Application No. 10/666,347

Following is:

- 1) Amendment Transmittal; and
- 2) Amendment and Reply Under 37 CFR 1.111.

If there are any problems with this transmission or if you have not received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Rachel Caputo
-----------	------------	--------------------------------------

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

023.273215.1

Cover Page 1 of 1

FOLEY & LARDNER LLP

JUL 27 2005 4:47PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

NO. 3188 P. 2

JUL 27 2005

Atty. Dkt. No. 023340-0201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael D. Green

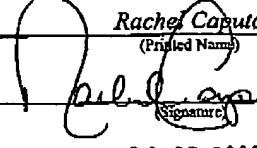
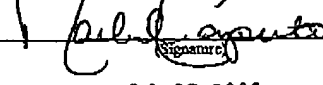
Title: EXERCISE SUIT

Appl. No.: 10/666,347

Filing Date: 9/19/2003

Examiner: T. Patel

Art Unit: 3765

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.	
	Rachel Caputo (Printed Name)
	(Signature)
July 27, 2005 (Date of Deposit)	

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

☒ Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

☐ Assertion of Small Entity status is enclosed.

☒ The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	19	-	20	=	0	x	\$50.00	=	\$0.00
Independent Claims:	3	-	3	=	0	x	\$200.00	=	\$0.00
First presentation of any Multiple Dependent Claims:		+					\$360.00	=	\$0.00

-1-

023.273211.1

Atty. Dkt. No. 023340-0201

---

CLAIMS FEE TOTAL	=	\$0.00
------------------	---	--------

---

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$120.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$450.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,020.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,590.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
TOTAL FEE:		\$0.00

---

- ☒ Please charge Deposit Account No. 50-0872 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.
- ☐ A check in the amount of \$0.00 is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Atty. Dkt. No. 023340-0201

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 27, 2005By Steven C. Koerber

FOLEY &amp; LARDNER LLP

Customer Number: 30542

Telephone: (858) 847-6725

Facsimile: (858) 792-6773

Steven C. Koerber

Patent Agent

Registration No. 54,233 for

Richard J. Warburg

Registration No. 32,327

Attorney for Applicants

JUL. 27. 2005 4:48PM

FOLEY 8587926773

RECEIVED  
CENTRAL FAX CENTER

JUL 27 2005

NO. 3188 P. 5

Atty. Dkt. No. 023340-0201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael D. Green

Title: EXERCISE SUT

Appl. No.: 10/666,347

Filing Date: 9/19/2003

Examiner: T. Patel

Art Unit: 3765

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.
<u>Rachel Caputo</u> (Printed Name)
<u>Rachel Caputo</u> (Signature)
<u>July 27, 2005</u> (Date of Deposit)

**AMENDMENT AND REPLY UNDER 37 CFR 1.111**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated April 28, 2005,  
concerning the above-referenced patent application.

**Amendments to the Claims/Listing of Claims** are reflected in the listing of claims  
which begins on page 2 of this document.

**Remarks/Arguments** begin on page 5 of this document.

Please amend the application as follows: